

CHESTERMERE OFF-SITE LEVY BYLAW NO. 017-22

OF THE CITY OF CHESTERMERE

A BYLAW OF THE CITY OF CHESTERMERE, IN THE PROVINCE OF ALBERTA, TO ESTABLISH OFF-SITE LEVIES FOR LAND THAT IS TO BE SUBDIVIDED OR DEVELOPED WITHIN THE CITY OF CHESTERMERE

WHEREAS:

- A. Section 648 of the *Municipal Government Act* allows Council to pass a bylaw for the imposition and payment of off-site levies in respect of land that is to be developed or subdivided;
- B. Council deems it necessary and expedient to collect Off-Site Levies to pay for the capital cost of infrastructure required to service the Growth of the City;
- C. The City has engaged in consultation with landowners and representatives of the development industry to address and define existing and future infrastructure required for Growth of the City and the allocation of the capital costs of such infrastructure;
- D. Council has received the Report, which set out a fair and equitable calculation of Off-Site Levies in accordance with the *Municipal Government Act* and the Off-Site Levy Regulation;
- E. Council has advertised its intention to consider the enactment of this Bylaw pursuant to the requirements of the *Municipal Government Act*;

NOW THEREFORE, Council duly assembled, enacts as follows:

1. Name of Bylaw

This Bylaw shall be known and referred to as the "Chestermere Off-Site Levy Bylaw".

2. Definitions

The following terms shall have the following meanings in this Bylaw:

- (a) "Bylaw" means this off-site levy bylaw;
- (b) "Chief Administrative Officer" means the chief administrative officer for the City, regardless of the specific title that may be conferred on that officer from time to time;
- (c) "City" means the City of Chestermere;

- (d) "Council" means the council for the City;
- (e) "Developable Land" means all land contained within the Development Area:
 - (i) upon which Development takes place after the date of enactment of this Bylaw; or
 - (ii) for which Subdivision approval is obtained after the date of enactment of this Bylaw;excluding all Developed Land;
- (f) "Developed Land" means land that has been subject to Development or a Subdivision prior to the date this Bylaw comes into force, and in respect of which off-site levies for the same infrastructure have been paid;
- (g) "Development" means "development" as defined in the *Municipal Government Act*;
- (h) "Development Agreement" means "development agreement" as referred to in the *Municipal Government Act*;
- (i) "Development Area" includes the area of land within the municipal boundaries of the City identified in Schedule "A" to this Bylaw;
- (j) "Growth" means:
 - (i) the creation of new Lots through Subdivision; and
 - (ii) the occurrence of Development;
- (k) "Lot" means "lot" as defined in the *Municipal Government Act*;
- (l) "*Municipal Government Act*" means the *Municipal Government Act*, RSA 2000, c. M 26, as amended or repealed and replaced from time to time;
- (m) "Off-Site Infrastructure" means those components and projects referred to in the Report, in relation to water facilities, sanitary sewer facilities, storm water sewer facilities, transportation facilities, recreation facilities, and library facilities to be paid for in whole or in part by Off-Site Levies under the Bylaw;
- (n) "Off-Site Levies" means the off-site levies imposed pursuant to this Bylaw;
- (o) "Off-Site Levy Regulation" means the Principles and Criteria for Off-Site Levies Regulation, Alta. Reg. 46/2004, as amended or repealed and replaced from time to time;

- (p) “Report” means the City of Chestermere: Offsite Levy Rates Update, April 14, 2022, prepared by Corvus Business Advisors, attached as Schedule “C” to this Bylaw;
- (q) “Subdivision” means “subdivision” as defined in the *Municipal Government Act*.

3. **Object of Levy**

The object of the Off-Site Levies is to provide funds to pay for all or part of the capital costs of the Off-Site Infrastructure required for Growth, as determined in the Report.

4. **Imposition of Levy**

- (a) The Off-Site Levies are hereby established and imposed in respect of all Developable Land on the basis set out in the Report.
- (b) The amount of the Off-Site Levies imposed is as calculated in the Report and set out in Schedule “B”.
- (c) The Off-Site Levies will be assessed on all Developable Land on a per hectare basis, excluding those portions of Developable Land that are designated pursuant to a Subdivision as:
 - (i) environmental reserve;
 - (ii) school reserve;
 - (iii) municipal reserve; or
 - (iv) arterial road right of way.
- (d) Unless otherwise agreed, payment of Off-Site Levies imposed under this Bylaw is due:
 - (i) in the case of Subdivision, at or prior to plan endorsement; and
 - (ii) in the case of Development, as a condition of the issuance of the development permit.

5. **Authority of the Chief Administrative Officer**

- (a) The Chief Administrative Officer is delegated the authority to enforce and administer this Bylaw, including, but not limited to the authority to:
 - (i) enter into Development Agreements on behalf of the City with respect to, among other things, the collection of Off-Site Levies;

- (ii) defer or waive collection of Off-Site Levies imposed pursuant to this Bylaw; and
 - (iii) require security for payment of any deferred levies.
- (b) The Chief Administrative Officer may delegate the authority to enforce and administer this Bylaw.

6. Development Agreement

- (a) Council may, from time to time adopt policies or guidelines for the assistance and direction of the Chief Administrative Officer in determining which Development and Subdivision applications require a Development Agreement.
- (b) Where it is determined that a Development Agreement is appropriate for any application for Development or Subdivision, the developer or the owner, as the case may be, shall enter into a Development Agreement with the City that provides for the payment of Off-Site Levies in accordance with this Bylaw or that provides for the deferral of Off-Site Levies, including requiring security for the payment of such deferred levies.

7. Annual Report

On or before December 31 in each calendar year, the Chief Administrative Officer shall provide an annual report to Council regarding the Off-Site Levies imposed under this Bylaw, including:

- (a) Off-Site Infrastructure constructed during the previous calendar year;
- (b) Construction costs of Off-Site Infrastructure constructed in the previous calendar year;
- (c) Estimated construction costs for Off-Site Infrastructure yet to be constructed and an explanation as to any adjustments to the estimates since the previous annual report;
- (d) Amount collected in Off-site Levies; and
- (e) Specifics of total value of Off-site Levies being held by City and yet to be expended on Off-Site Infrastructure, interest earned and commitments for future expenditures of such monies.

8. Accounting

All funds collected pursuant to this Bylaw shall be accounted for in a special fund for each category of infrastructure and expended only as permitted under the *Municipal Government Act*.

9. **Review**

The City shall review the rates for Off-Site Levies annually and, if required, shall amend this Bylaw accordingly to update the rates for Off-Site Levies.

10. **General**

- (a) Nothing in this Bylaw precludes the City from:
 - (i) imposing further or different levies, duly enacted by bylaw, on any portion of the Developable Lands in respect of which the City has not collected Off-Site Levies;
 - (ii) deferring collection of Off-Site Levies on any portion of Developable Lands, including requiring security for payment of such deferred levies; or
 - (iii) reducing or forgiving payment of the Off-Site Levies required pursuant to this Bylaw, or otherwise providing for credits for other Off-Site Infrastructure or oversize infrastructure constructed by a developer in calculating and/or collecting the Off-Site Levies that become payable pursuant to this Bylaw.
- (b) Schedules "A" and "B" to this Bylaw, and specifically, without restricting the generality of the foregoing, the rates for Off-Site Levies set out in the Report, may be updated or amended from time to time by resolution of Council.
- (c) In the event that any provision of this Bylaw is declared invalid or void by any Court having competent jurisdiction, then such invalid or void provision shall be severed from the Bylaw and the remaining provisions of the Bylaw shall be maintained and deemed valid.

11. **Transition**

- (a) This Bylaw applies to:
 - (i) any Subdivision where the date of subdivision approval occurs on or after the date this Bylaw comes into force; and
 - (ii) any Development where the date of issuance of a development permit occurs on or after the date this Bylaw comes into force.
- (b) Development Agreements entered into prior to the enactment of this Bylaw shall remain valid and in effect.
- (c) Any off-site levies payable under Development Agreements entered into prior to the enactment of this Bylaw, are confirmed and shall continue to be

payable notwithstanding the repeal of previous off-site levy bylaws pursuant to subsection (d).

(d) Bylaw 013-21 is hereby repealed.

12. **Execution**

This Bylaw shall take effect and come into force effective after final reading and signature thereof by the Chief Elected Official and Chief Administrative Officer, or their authorized delegates.

FIRST READING passed in open Council duly assembled in the City of Chestermere, in the Province of Alberta, this 19th day of April, 2022.

SECOND READING passed in open Council duly assembled in the City of Chestermere, in the Province of Alberta, this 17th day of May, 2022.

THIRD AND FINAL READING passed in open Council duly assembled in the City of Chestermere, in the Province of Alberta, this 17th day of May, 2022.



Mayor



City Director